IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 592 OF 2006
IN
SECOND APPEAL NO. 1071 OF 2005

1. Shri Pratap Pandurang Khatu
and ors. ..Applicants
(Org. Defendant
Nos.1 to 4)

Vs.

1. Shri Vishwas Dattatray Khatu
and ors. ..Respondents
(Org. Plaintiffs)

Mr. V.A. Gangal i/by Mr. Prakash Bhatkar for applicants.
Mr. R.S. Apte for respondent nos.1 to 4.

CORAM: B.H. MARLAPALLE, J.

Date : April 18, 2007.

P.C.:

1. The report of the Court Commissioner has not yet been received. Mr. Apte, the learned counsel for the respondent nos.1 to 4 states that mangoes are ready to be plucked and if they are not harvested , there is no possibility of generating any further income during this season. He, therefore, prays for vacating the ad-interim order passed against him on

28/3/2007. Mr. Gangal the learned counsel states that the applicants are ready to deposit Rs.1,20,000/- towards the sale proceeds.

2. The ad-interim order passed on 28/3/2007 is hereby vacated subject to the condition that the respondent nos.1 to 4 shall submit the account of the sale proceeds of the mangoes harvested before 31st May, 2007 and the mangoes will be plucked in the presence of the Superintendent from the Court of Civil Judge, Junior Division at Ratnagiri and the quantity of the mangoes so plucked, either in terms of numbers or by any other modes, may be recorded. The said record shall be submitted to this court before the next date. The mangoes so harvested will be sold in a recognised market at Pune or Mumbai and the receipt/patti regarding the same sale proceeds shall be placed before this court.

3. S.O. to 11/6/2007.

(B.H. Marlapalle,J.)